

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-
DANIEL STEWART,
REYNOLD HECTOR,
a/k/a "Diamond," and
JASON FARRELL,

Defendants.

USDC SDNY
DOCUMENT
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DCC #:
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10 Cr.

10CRIM 283

JUDGE WOOD

COUNT ONE

The Grand Jury charges:

1. From at least in or about August 2009, up to and including on or about September 29, 2009, in the Southern District of New York and elsewhere, DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the accounts and deposits of which were then insured by the Federal Deposit Insurance Corporation, and to

obtain moneys, funds, credits assets, securities, and other property owned by, and under the custody and control of such financial institutions by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about August 2009, JASON FARRELL, the defendant, provided five stolen checks ("Check-1," "Check-2," "Check-3," "Check-4," and "Check-5") to REYNOLD HECTOR, a/k/a "Diamond," the defendant, to have such checks negotiated.

b. In or about August 2009, FARRELL and HECTOR provided Checks-1 through 5 to DANIEL STEWART, the defendant, with the understanding that STEWART would cause such checks to be negotiated.

c. On or about September 3, 2009, DANIEL STEWART, the defendant, met with an undercover officer ("UC-1") and another individual at a fast food restaurant located in New York, New York.

d. On or about September 18, 2009, STEWART and HECTOR called UC-1, during which call HECTOR stated that UC-1 was going to receive another check for UC-1 to negotiate.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about August 2009, up to and including on or about September 29, 2009, in the Southern District of New York and elsewhere, DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants, unlawfully, willfully, and knowingly, did execute and attempt to execute a scheme and artifice to defraud financial institutions, the accounts and deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions by means of false and fraudulent pretenses, representations, and promises, to wit, STEWART, HECTOR, and FARRELL attempted to provide to other stolen checks to be negotiated and drawn on bank accounts at the Bank of New York Mellon and Chase Manhattan Bank in order to receive funds to which STEWART, HECTOR, and FARRELL were not entitled.

(Title 18, United States Code, Sections 1344 and 2.)

FORFEITURE ALLEGATIONS

5. As a result of committing the offense alleged in Count One of this Indictment, DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants, shall forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2), and 28 U.S.C. § 2461(c), any property constituting or

derived from proceeds obtained directly or indirectly as a result of a conspiracy to commit bank fraud, including but not limited to the following:

a. At least \$4,400 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the conspiracy to commit bank fraud alleged in Count One.

6. As a result of committing the offense alleged in Count Two of this Indictment, DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2) and 28 U.S.C. § 2461(c), any property constituting or derived from proceeds obtained directly or indirectly as a result of the bank fraud offense, including but not limited to the following:

a. At least \$4,400 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the bank fraud offense alleged in Count Two.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of DANIEL STEWART, REYNOLD HECTOR, a/k/a "Diamond," and JASON FARRELL, the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2); Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

Engalash Muttla
FOREPERSON

Preet Bharara
PREET BHARARA
United States Attorney

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INDICTMENT

10 Cr.

(18 U.S.C. §§ 1344, 1349 & 2)

PREET BHARARA
United States Attorney.

A TRUE BILL

Elizabeth Mottola 3/31/10
Foreperson.

3/31/10 Filed Indictment, Case assigned to J. Wood.
Mags
U.S.M.J.